



Missouri Department of Natural Resources
Regulatory Impact Report
For
Proposed Rule 10 CSR 10 - 6.045

Division/Program Division of Environmental Quality/Air Pollution Control Program

Rule number 10 CSR 10 - 6.045 Rule title Open Burning Requirements

Type of rule: New

Nature of the rule: Affects environmental conditions

Submitted by

Program Director

Date

Approval of the Completed Regulatory Impact Report

Legal Counsel

Date

Division Director

Date

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Applicability: Pursuant to Section 640.015 RSMo, “all rulemakings that prescribe environmental conditions or standards promulgated by the Department of Natural Resources...shall... be based on the regulatory impact report...” This requirement shall not apply to emergency rulemakings pursuant to section 536.025 or to rules of other applicable federal agencies adopted by the Department “without variance.”

The Missouri Department of Natural Resources has determined this rulemaking prescribes environmental conditions or standards and verifies that this rulemaking is not a simple unvarying adoption of rules from other federal agencies. Accordingly, the Department has produced this regulatory impact report which will be made publicly available for comment for a period of at least 60 days. Upon completion of the comment period, official responses will be developed and made available on the agency web page prior to filing the proposed rulemaking with the Secretary of State. Contact information is at the end of this regulatory impact report.

1. Describe the environmental conditions or standards being prescribed.

This rule sets forth the conditions and restrictions for the open burning of refuse and combustible materials throughout Missouri and defines when an open burning permit is required. The conditions prescribed in the new rule are not intended to be different than the conditions found in the state's existing open burning regulations. The new rule intends to consolidate the state's four (4) existing regulations into a single, statewide regulation that clarifies and makes more consistent the conditions for open burning within the state.

2. A report on the peer-reviewed scientific data used to commence the rulemaking process.

The conditions being prescribed in the new rule are not intended to be different than the conditions found in the state's existing open burning regulations. The new rule intends to clarify and make more consistent the conditions for open burning within the state. Since the new rule is not intended to be more lenient or more strict than the current regulations, no scientific data was used to commence the rulemaking process.

3. A description of the persons who will most likely be affected by the proposed rule, including persons that will bear the costs of the proposed rule and persons that will benefit from the proposed rule.

This rule affects any citizen or business that open burns. This rule consolidates the state's four (4) existing open burning regulations into a single statewide rule. This rule does not propose to add additional requirements beyond what is presently found in the state regulations. No additional cost to citizens or business is expected as a result of this rulemaking.

4. A description of the environmental and economic costs and benefits of the proposed rule.

The rule will not impose any additional costs on citizens or businesses beyond what is presently found in the state regulations. This rule is expected to benefit the environment by creating a single open burning regulation, applicable throughout the state, that is easier to understand and enforce.

5. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenue.

The expected costs to the agency and to any other agency for the implementation and enforcement of the proposed rule is less than \$500 in the aggregate and not anticipated to affect state revenue. This rule consolidates the state's four (4) existing open burning regulations into a single statewide rule. This rule does not propose to add additional requirements beyond what is presently found in the state regulations.

6. A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction, which includes both economic and environmental costs and benefits.

The state currently has four (4) open burning regulations that cover the entire state of Missouri. Not taking action on this proposed rule would still leave the state covered as far as open burning regulations. The benefit of the new rule is that it is easier to read and understand.

7. A determination of whether there are less costly or less intrusive methods for achieving the proposed rule.

The department is not aware of a less costly or less intrusive method for achieving the proposed rule.

8. A description of any alternative method for achieving the purpose of the proposed rule that were seriously considered by the department and the reasons why they were rejected in favor of the proposed rule.

The department did review, as part of an open burning workgroup, the alternatives of amending the existing regulations. This alternative was rejected in favor of drafting a new regulation that would be more easily read and understood and would be more consistent across the state.

9. An analysis of both short-term and long-term consequences of the proposed rule.

The short and long term consequences of the proposed rule is better compliance with the regulations and reduced pollution.

10. An explanation of the risks to human health, public welfare or the environment addressed by the proposed rule.

Emissions associated with open burning include particulate matter, volatile organic compounds, and hazardous air pollutants. The burning of leaves, brush, and other vegetation, as well as backyard trash burning, also results in smoke. Smoke is caused by incomplete combustion. The rule is intended to clarify what materials may be open burned without a permit and under what situation and to clarify what materials and situations require a permit. This will lead to better compliance with the regulations and reduced pollution.

11. The identification of the sources of scientific information used in evaluating the risk and a summary of such information

The conditions being prescribed in the new rule are not intended to be different than the conditions found in the state's existing open burning regulations. The new rule intends to clarify and make more consistent the conditions for open burning within the state. Since the new rule is not intended to be more lenient or more strict than the current regulations, no scientific data was used in evaluating risk.

12. A description and impact statement of any uncertainties and assumptions made in conducting the analysis on the resulting risk estimate.

An analysis of risk was not done for this rulemaking since the new rule is not intended to be more lenient or more strict than the state's current regulations.

13. A description of any significant countervailing risks that may be caused by the proposed rule

The department is not aware of any countervailing risks.

14. The identification of at least one, if any, alternative regulatory approaches that will produce comparable human health, public welfare or environmental outcomes.

An alternative approach to the proposed rulemaking was not identified in the workgroup.

15. Provide information on how to provide comments on the Regulatory Impact Report during the 60-day period before the proposed rule is filed with the Secretary of State.

Formal comments can be provided on either the Regulatory Impact Report or the draft rule text by sending them to the contact listed in question 16.

16. Provide information on how to request a copy of comments or the web information where the comments will be located.

Chief, Operations Section

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or

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Copies of formal comments made on either the Regulatory Impact Report or the draft rule text may be obtained by request from the contact listed above or by accessing the Rules In Development section at website www.dnr.mo.gov/alpd/apcp/homeapcp.htm for this particular rulemaking.